

Mr. Robert Lawson
10240 Valle Drive
Tampa, Florida 33612
[HYPERLINK "mailto:lawson.rd@gmail.com"]

Dear Mr. Lawson:

Thank you for contacting the U.S. Environmental Protection Agency (EPA) with your questions regarding the product Curfew Soil Fumigant. Curfew Soil Fumigant contains the active ingredient 1,3-Dichloropropene (1,3-D) and the product has a state-specific Special Local Need (SLN) registration (# FL990014) based upon the federally registered product Telone II (EPA Registration Number 62719-32). For the record, "Curfew Soil Fumigant" is an accepted alternate brand name for Telone II and is the name under which SLN FL990014 is marketed.

While corresponding with the Agency, you refer to Curfew Soil Fumigant's Federal Insecticide Fungicide and Rodenticide Act (FIFRA) 24(c) registration. Under the authority of §24(c) of FIFRA, states may register an additional use of a federally registered pesticide product, or a new end use product to meet special local needs. Curfew Soil Fumigant's initial 24(c) registration was issued by the Florida Department of Agriculture and Consumer Services (FDACS) and went into effect in 2003. At that time, the 24(c) registration became effective and the buffer was specified as follows: *"An application of Curfew shall not be made within 100 feet of an occupied structure, such as a school, hospital, business or residence."* In 2008, the FDACS submitted an amended label that reduced the buffer to the following: *"An application of Curfew shall not be made within 30 feet of an occupied structure such as a school, hospital, business or residence."* This revised label was reviewed by the EPA and summarized in a human health scientific review document dated October 27, 2009. A revised label was subsequently received by the EPA. The buffer is currently specified as follows: *"A buffer zone of at least 30 feet around each application area must be established. An application of Curfew shall not be made within 30 feet of land not under the control of owner/operator unless written permission is obtained from the property owner to allow such land to be included as part of the buffer zone."*

A buffer zone provides distance between the application site (i.e., edge of field) and bystanders, allowing airborne residues to disperse before reaching the bystanders. Per 24(c) registration, Curfew Soil Fumigant has a buffer of 30 feet. A buffer zone reduces the chance that air concentrations where bystanders are located will cause acute adverse health effects. The buffer zone language in this 24(c) registration does not specify a *"difficult to evacuate facility"* situation however the 30-foot buffer would apply to all land which may include a facility or residence. The time period for a buffer zone, or "buffer zone period", starts at the moment when any fumigant is delivered/ dispensed to the soil within the application block or greenhouse. For Curfew Soil Fumigant, the buffer zone period lasts a minimum of 24 hours after the fumigant has stopped being delivered/dispensed to the soil. For buffer zones to be effective, bystanders need to be informed of the location of the buffer to ensure they do not enter areas

designated as part of the buffer zone. The perimeter of the fumigant buffer zones must be posted as described here: [HYPERLINK "<http://www.epa.gov/sites/production/files/2013-10/documents/sfm-posting-2012.pdf>"] . More information on buffer zone requirements for soil fumigant applications can be found on our website: [HYPERLINK "<http://www.epa.gov/soil-fumigants/buffer-zone-requirements-soil-fumigant-applications>"] .

The EPA's role is to ensure that each state's 24(c) registration meets the requirements of FIFRA, since these registrations become federal registrations after 90 days unless the EPA objects to them within that time period. Each State must issue their own respective 24(c). The EPA reviews individual 24(c) registrations and broadly oversees the states' 24(c) registration programs.

The EPA limits its review of individual 24(c) registrations to a minimal level, which empowers the states to meet the requirements of FIFRA and avoids any duplication of effort by the EPA. The EPA will generally not request data for amendments to federal products or new products that are substantially similar to currently registered products in composition and use. For 24(c) products that are not substantially similar, the EPA will generally ask for a brief summary of the data, the state's conclusions, and a certification that the product will not cause unreasonable adverse effects as defined in FIFRA for registration of pesticides. This approach respects the states' independence and responsibilities while allowing the EPA to carry out its review function with minimal resources. The EPA will also conduct general oversight by periodically reviewing its records of 24(c) registrations to assure that states and the EPA have properly followed procedures and policies. This process may occur during Registration Review.

For state-specific information on Curfew Soil Fumigant's 24(c) registration, including the current label, supporting scientific studies, risk assessments, and human health and environmental considerations behind buffer changes, you may contact the FDACS. The EPA has confirmed with FDACS's Bureau of Scientific Evaluation and Technical Assistance that Chief [Dr.] Davis H. Daiker may be reached at [HYPERLINK "<mailto:Davis.daiker@freshfromflorida.com>"] or (850) 617-7917. He is located at 3125 Conner Blvd., Laboratory Bldg. #6, Tallahassee, FL 32399-1650.

The following most recent information related to the Curfew Soil Fumigant's 24(c) registration is enclosed:

- Section 24(c) Florida label (dated 2010)
- Most recent safety data sheet (dated 2015); also accessible electronically here: [HYPERLINK "<http://www.cdms.net/ldat/mp69L001.pdf>"]
- Human health scientific review "*Responses to Technical Issues Associated with Telone Use in Florida on Golf Courses and Labeling Issues in California*" (dated October 27, 2009)

General information regarding Telone II (EPA Registration Number 62719-32) and the active ingredient 1,3-D is as follows:

- The most recent label Telone II label (dated 2006) is enclosed, however the label can also be viewed though the Pesticide Product Label System or PPLS on Telone II's PPLS page: [HYPERLINK "https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:8:2798575697983::NO::P8_PUID,P8_RINUM:5659,62719-32"].

- In 2008, the EPA completed a reevaluation of older pesticides – those initially registered before November 1, 1984 – to ensure that they met current scientific and regulatory standards. The results of the EPA's reviews were summarized in Reregistration Eligibility Decisions (REDs). 1,3-D's RED: [[HYPERLINK "https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_PC-029001_1-Sep-98.pdf" \]](https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_PC-029001_1-Sep-98.pdf).
- The active ingredient 1,3-D is currently undergoing registration review. Registration review is a reevaluation program that EPA is required under law to complete every 15 years for all pesticide active ingredients. The EPA initiates a registration review by establishing a public docket for a pesticide registration review case. The docket contains information including supporting scientific risk assessments, facts about the pesticide, information regarding its current use and usage, and an estimated timeline for the review. 1,3-D's registration review docket is located on Regulations.gov: [[HYPERLINK "http://www.regulations.gov/docket?D=EPA-HQ-OPP-2013-0154"](http://www.regulations.gov/docket?D=EPA-HQ-OPP-2013-0154)]
- More information and resources on soil fumigants are available at [[HYPERLINK "http://www.epa.gov/soil-fumigants"](http://www.epa.gov/soil-fumigants)]

Thank you again for contacting the EPA about this important matter.

Sincerely,

Richard P. Keigwin, Jr., Acting Director
Office of Pesticide Programs

Ms. Debrah McCormack
1506 South Oregon Circle
Tampa, Florida 33612
debralind.mccormack@gmail.com

Dear Ms. McCormack:

Thank you for contacting the U.S. Environmental Protection Agency (EPA) with your questions regarding the product Curfew Soil Fumigant. Curfew Soil Fumigant contains the active ingredient 1,3-Dichloropropene (1,3-D) and the product has a state-specific Special Local Need (SLN) registration (# FL990014) based upon the federally registered product Telone II (EPA Registration Number 62719-32). For the record, "Curfew Soil Fumigant" is an accepted alternate brand name for Telone II and is the name under which SLN FL990014 is marketed.

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- In 2008, the EPA completed a reevaluation of older pesticides – those initially registered before November 1, 1984 – to ensure that they met current scientific and regulatory standards. The results of the EPA's reviews were summarized in Reregistration Eligibility Decisions (REDs). 1,3-D's RED: [[HYPERLINK "https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_PC-029001_1-Sep-98.pdf" \]_](https://www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_PC-029001_1-Sep-98.pdf)
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Richard P. Keigwin, Jr., Acting Director
Office of Pesticide Programs